

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

GERALD RAY BARROW,  
TDCJ#579954  
Plaintiff,

V.

TDC CORRECTIONAL INDUSTRIES  
MANUFACTURER OF FOOD TRAY/  
FOOD SERVICE MGRS,  
Defendant.

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C.A. NO. C-06-372

**ORDER GRANTING LEAVE TO PROCEED *IN FORMA PAUPERIS* ON  
APPEAL AND COLLECTION ORDER AND ORDER DENYING AS MOOT  
PLAINTIFF'S MOTION FOR EXTENSION OF TIME**

Plaintiff, a prisoner proceeding *pro so* and *in forma pauperis* filed this lawsuit pursuant to 42 U.S.C. § 1983, alleging various constitutional violations. Plaintiff's lawsuit was dismissed as frivolous and final judgment entered on February 13, 2007 (D.E. 29, 30).

On March 12, 2007, plaintiff timely filed notice of appeal of the final judgment (D.E. 37). Pending are plaintiff's applications for leave to proceed *in forma pauperis* on appeal (D.E. 40, 43). According to plaintiff's trust fund statement and applications, he has no funds or income. Plaintiff's applications (D.E. 40, 43), considered in light of the PLRA, are granted, and the following order is entered:

1. The Clerk shall file the Appellant's notice of appeal without prepayment of the appellate filing fee.

3. The plaintiff-appellant shall pay **\$455.00**, appellate filing fee, in monthly installments to the United States District Court as provided in 28 U.S.C. § 1915(b)(1).

4. The Texas Department of Criminal Justice -- CID shall deduct 20% of each deposit made to the plaintiff's inmate trust account and forward payments to the United States District Court on a regular basis provided the account exceeds \$10.00.

5. The plaintiff-appellant shall sign all consents and other documents required by the agency having custody of plaintiff-appellant to authorize the necessary withdrawal from the plaintiff-appellant's inmate trust account.

6. The Clerk of the Court shall send a copy of this Order to the **Inmate Trust Fund, P.O. Box 629, Huntsville, Texas 77342-0629** and to **TDCJ - Office of the General Counsel, P.O. Box 13084, Capitol Station, Austin, Texas 78711**.

7. In view of these orders, plaintiff's motion for an extension of time (D.E. 44) is denied as moot.

ORDERED this 20<sup>th</sup> day of April, 2007.

  
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B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE